



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,773	07/06/2001	Steven Michael Bellovin	12177/60501	7692

7590 12/27/2004

KENYON & KENYON  
One Broadway  
New York, NY 10004

EXAMINER

PEREZ, ANGELICA

ART UNIT PAPER NUMBER

2684

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/900,773

Applicant(s)

BELLOVIN, STEVEN MICHAEL

Examiner

Angelica M. Perez

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on July 6, 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. Claim 19 recites the limitation "reason for interruption" in line 1 of claim 19.

There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Tayloe et al. (Tayloe, US Patent No.: 6,192,240 B1).

Regarding claims 1-3, 17, 21 and 25-28, Tayloe teaches of a method for processing a communication interruption, telephone call interruption and a telecommunication system (column 2, lines 22-38), between at least two communication devices (figure 2, column 1, lines 5-9; where it is inherent in the art for cellular telephone communications to operate between, at least, two communication devices) comprising the steps and means of: predicting, during an established communication between the communication devices, that a connection to one of the communication devices will be interrupted (column 3, lines 22-28; e.g., "until an outage is predicted"; where an outage causes communication interruptions), and announcing, before the connection is interrupted, that the connection to the one communication device will be interrupted

Art Unit: 2684

(column 3, lines 22-28; where at least one of the callers involved in the communication is notified "that an outage is imminent", before the call is terminated).

Regarding claim 2, Tayloe teaches all the limitations according to claim 1. Tayloe further teaches where at least one of the communication device is selected from a group consisting of a wireless telephone, a cellular telephone, a landline telephone, a PDA (personal digital assistant), a computer and a mobile communication device (column 2, lines 64-67; where the examiner selected "cellular telephone" from the choices provided by the applicant).

Regarding claim 3, Tayloe teaches all the limitations according to claim 1. Tayloe further teaches where the communication interruption is based on at least one factor selected from a group consisting of a tunnel blocking the communication, a hill obstructing the communication, an indoor feature obstructing the communication, an outdoor feature obstructing the communication, lack of communication coverage by at least one cell tower, a communication frequency not available, a hand-off between at least two cell towers not available, handoff to a cell with insufficient communication channels, traveling outside the coverage area, an area with a coverage hole, a mobile switching center (MSC) error, interference from an RF source and equipment failures (column 2, lines 32-38; where the examiner selected "an area with a coverage hole" from the choices provided by the applicant).

Regarding claim 17, Tayloe teaches all the limitations according to claim 1. Tayloe further teaches where least one communication device is a wireless communication device operating in conjunction with a wireless communication network

Art Unit: 2684

having a coverage area (figure 1 and column 2, lines 22-38), the method further comprising the step of: calculating the duration of the interruption prior to the announcement (column 4, lines 3-5; e.g., "the time remaining... before the call is dropped").

Regarding claim 26, Tayloe teaches of a method comprising (column 1, lines 5-9): predicting, based on one or more of historical data, geographical data, location data, topographical data and GPS data, a communication drop-off for two communication devices in communication (column 3, lines 22-28; e.g., "until an outage is predicted"; where an outage causes communication interruptions; column 3, lines 44-51; where examiner has selected GPS data from the choices provided by applicant), calculating a communication drop-off point (column 3, lines 44-51; where the drop-off point is calculated according to the "current position on earth, the relative position of the satellite cells and their size, shape and location..."); and before the drop-off point is reached, notifying a user of at least one of the communication devices of the drop-off (column 4, lines 1-15).

Regarding claim 27, Tayloe teaches all the limitations according to claim 26. Tayloe further teaches comprising notifying the user of a time interval until the drop-off (column 4, lines 3-5).

Regarding claim 28. Tayloe teaches of an intelligent electronic device comprising logic to: predict, based on one or more of historical data, geographical data, location data, topographical data and GPS data (column 3, lines 22-28; e.g., "until an outage is predicted"; where an outage causes communication interruptions; column 3, lines 44-

Art Unit: 2684

51; where examiner has selected GPS data from the choices provided by applicant), a communication drop-off for two communication devices in communication, calculate a communication drop-off point (column 3, lines 44-51; where the drop-off point is calculated according to the "current position on earth, the relative position of the satellite cells and their size, shape and location..."); and before the drop-off point is reached, notify a user of at least one of the communication devices of the drop-off (column 3, lines 23-29).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10-16 and 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tayloe in view of Amin et al. (Amin, US 5,995,830 A).

Regarding claim 10, Tayloe teaches all the limitations according to claim 1.

Tayloe does not specifically teach where the announcement also contains at least one reason for the communication interruption between the devices.

In related art, concerning a system and method for processing dropped calls, Amin teaches where the announcement also contains at least one reason for the communication interruption between the devices (column 2, lines 8-12; e.g., "may include the reasons that the connection was dropped").

Art Unit: 2684

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Tayloe's method for processing a communication interruption with Amin's message including the reasons why the connection was dropped in order to "increase the chances that the communication between the users can continue", as taught by Amin.

Regarding claim 11, Tayloe teaches all the limitations according to claim 1.

Tayloe does not specifically teach the step of sending a message to the other communication device indicating the reason that the connection to the one communication device has been interrupted.

In related art, concerning a system and method for processing dropped calls, Amin teaches the step of sending a message to the other communication device indicating the reason that the connection to the one communication device has been interrupted (column 2, lines 8-12; e.g., "may include the reasons that the connection was dropped").

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Tayloe's method for processing a communication interruption with Amin's message including the reasons why the connection was dropped in order to "increase the chances that the communication between the users can continue", as taught by Amin.

Regarding claims 12 and 22, Tayloe teaches all the limitations according to claims 1 and 21, respectively.

Art Unit: 2684

Tayoe does not specifically teach the step of reconnecting to the one communication device and re-establishing the communication.

In related art, concerning a system and method for processing dropped calls, Amin teaches the step of reconnecting to the one communication device and re-establishing the communication (column 2, lines 16-20).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Tayloe's method for processing a communication interruption with Amin's reconnecting and re-establishing the communication in order to maintain communication between the users, as taught by Amin.

Regarding claim 13, Tayloe in view of Amin teaches all the limitations according to claim 12. Amin further teaches the step of sending at least one reconnection indication to the other communication device upon a successful reconnection to the one communication device (column 2 lines 20-23).

Regarding claims 14 and 23, Tayloe teaches all the limitations according to claims 1 and 21, respectively.

Tayloe does not specifically teach the step of making at least one attempt to re-establish communication between the two communication devices.

In related art, concerning a system and method for processing dropped calls, Amin teaches the step of making at least one attempt to re-establish communication between the two communication devices (column 2, lines 13-18).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Tayloe's method for processing a communication



Art Unit: 2684

interruption with Amin's attempt to re-establish communication in order to maintain communication between the users, as taught by Amin.

Regarding claim 15, Tayloe teaches all the limitations according to claim 1.

Tayloe does not specifically teach the step of attempting to reconnect to the one communication device, and if the reconnection fails, connecting the other communication device to another medium.

In related art, concerning a system and method for processing dropped calls, Amin teaches the step of attempting to reconnect to the one communication device, and if the reconnection fails, connecting the other communication device to another medium (column 2, lines 24-31; e.g., "voice mail").

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Tayloe's method for processing a communication interruption with Amin's connecting the other communication device to another medium in order to "increase the chances that the communication between the users can continue", as taught by Amin.

Regarding claim 16, Tayloe in view of Amin teaches all the limitations according to claim 15. Amin further teaches where the another medium is selected from a group consisting of voice mail, a memory location, audio, data and video (column 2, lines 24-31; where the examiner selected "voice mail" from the choices provided by the applicant).

Regarding claim 18, Tayloe teaches all the limitations according to claim 1. Tayloe does not specifically teach where at least one communication device is a

Art Unit: 2684

wireless communication device operating in conjunction with a wireless communication network having a coverage area, the method further comprising the step of: determining the reasons for the connection interruption.

In related art, concerning a system and method for processing dropped calls, Amin teaches where at least one communication device is a wireless communication device operating in conjunction with a wireless communication network having a coverage area, the method further comprising the step of: determining the reasons for the connection interruption (column 2, lines 8-12; e.g., "the reasons that the connection was dropped").

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Tayloe's method for processing a communication interruption with Amin's determination of the reasons why the connection was dropped in order to inform the users about them; thus, "increase the chances that the communication between the users can continue", as taught by Amin.

Regarding claim 19, Tayloe teaches all the limitations according to claim 1.

Tayloe does not specifically teach where the reason for interruption is selected from a group consisting of the communication device has traveled outside a coverage area, due to an indoor obstruction and due to an outdoor obstruction.

In related art, concerning a system and method for processing dropped calls, Amin teaches where the reason for interruption is selected from a group consisting of the communication device has traveled outside a coverage area, due to an indoor

obstruction and due to an outdoor obstruction (column 5, table 2; e.g., "mobile telephone traveled outside coverage area").

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Tayloe's method for processing a communication interruption with Amin's reason for interruption selected from a group of reasons for dropped call in order to assess the reconnection possibilities, as taught by Amin.

Regarding claim 20, Tayloe teaches all the limitations according to claim 1.

Tayloe does not specifically teach where at least one communication device is a wireless communication device operating in conjunction with a wireless communication network having a coverage area, the method further comprising the step of: connecting the other communication device to voice mail without attempting to reconnect to the wireless communication device.

In related art, concerning a system and method for processing dropped calls, Amin teaches where at least one communication device is a wireless communication device operating in conjunction with a wireless communication network having a coverage area, the method further comprising the step of: connecting the other communication device to voice mail without attempting to reconnect to the wireless communication device (column 2, lines 32-42 and column 5, lines 47-50).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Tayloe's method for processing a communication interruption with Amin's connecting the other communication device to voice mail

Art Unit: 2684

without attempting to reconnect in order to "increase the chances that the communication between the users can continue", as taught by Amin.

Regarding claim 24, Tayloe teaches all the limitations according to claim 21.

Tayloe does not specifically teach the step of dialing a telephone number of the one communication device.

In related art, concerning a system and method for processing dropped calls, Amin teaches the step of dialing a telephone number of the one communication device (column 3, lines 36-46).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Tayloe's method for processing a communication interruption with Amin's step of dialing a telephone number in order to inform the user of a possible disconnection so that, the user can take measures that may "increase the chances that the communication between the users can continue", as taught by Amin.

6. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tayloe in view of Bartle et al. (Bartle, US patent No.: 6,018,655 A).

Regarding claim 4, Tayloe teaches all the limitations according to claim 1. Tayloe further teaches where the communication interruption prediction is based on at least one factor selected from a group consisting of the use of historical data, geographical data, enhanced location data, topographical data and GPS (Global Positioning System) (column 3, lines 43-49).

Tayloe does not teach where the communication interruption prediction is based on historical data.

In related art, concerning imminent change warning, Bartle teaches where the communication interruption prediction is based on historical data (column 10, lines 20-31 and column 2, lines 6-17; where the history of conditions where thresholds have been violated provide the basis for interruption predictions. The examiner selected "historical data" from the choices provided by the applicant).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Tayloe's method for processing a communication interruption with Bartle's historical data in order to predict imminent communication disconnections, as taught by Bartle.

Regarding claim 5, Tayloe in view of Bartle teaches all the limitations according to claim 4. Bartle further teaches where the historical data is collected from at least one subscriber using the communication device along a path and analyzing the communication patterns, including interruptions, along the path (column 2, lines 6-34).

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent No.: 6,349,206 B1; teaches about a method, system and apparatus for providing a warning when a mobile terminal may lose service.

US Patent No.: 6,317,596; teaches about monitoring and saving call state information leading to a link failure in a non-volatile memory.

US Patent No.: 6,381,455; teaches about warning from an impending call drop in a wireless system.

US Patent No.: 6,343,216; deals with reconnection of a dropped call in a mobile communication system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 703-305-8724. The examiner can normally be reached on 7:15 a.m. - 3:55 p.m., Monday - Friday.

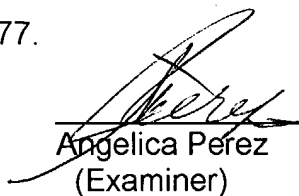
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either the PAIR or Public PAIR. Status information

Art Unit: 2684

for unpublished applications is available through the Private PAIR only. For more information about the pair system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.



Angelica Perez  
(Examiner)

December 20, 2004



NAY MAUNG  
SUPERVISORY PATENT EXAMINER

Art Unit 2684